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Agenda Supplement

Dear Councillor

ANNUAL COUNCIL - WEDNESDAY, 16TH MAY, 2018

I am now able to enclose, for consideration on Wednesday, 16th May, 2018 meeting of the Annual Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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|-----|--|
| 3. | <u>Designate a Mayor for the ensuing municipal year</u> (Pages 3 - 6) |
| 4. | <u>Designate a Deputy Mayor for the ensuing municipal year</u> (Pages 7 - 10) |
| 7. | <u>Political Groups on the Council</u> (Pages 11 - 14) |
| 8. | <u>Designate a Leader and Deputy Leader of the Council</u> (Pages 15 - 18) |
| 10. | <u>Committees and their Terms of Reference</u> (Pages 19 - 38) |

11. **Political Balance, Allocation of Committee Seats and Committee Appointments**
(Pages 39 - 44)
Appendices to follow.
12. **Committee Calendar for 2018-2019** (Pages 45 - 50)
13. **Appointment of Independent Persons** (Pages 51 - 60)
14. **Members Allowances 2018-2019** (Pages 61 - 72)

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. L. R. B.', with a large, sweeping underline stroke.

Chief Executive

Encs

18/06/18

16 May 2018

Annual Council

Election of Mayor for Municipal Year 2018/19

Report of: *Claire Mayhew, Corporate and Democratic Service Manager*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council is required to elect a Mayor at its Annual Meeting from amongst its membership to serve for the Municipal Year 2018/19 and until their successor is entitled to act in that office in accordance with the procedure as set out in Appendix B of the Constitution.

2. Recommendation(s)

- 2.1 To elect a Mayor for the Municipal Year 2018/19 and until their successor is entitled to act in that office.**

3. Introduction and Background

- 3.1 The Mayor is elected by the Council to continue in office for one Municipal Year in accordance with the procedure as set out in Appendix B of the Constitution and until their successor is entitled to act in that office. The Mayor is the First Citizen of the Borough, a Member of the Council and its Civic and Ceremonial head. The Mayor will represent and promote the Borough at events both within and outside the Borough.
- 3.2 The Mayor is Chair of the meetings of the Council in accordance with Council Procedure Rules.
- 3.3 The Mayor will invite nominations for the election of Mayor for the Municipal Year 2018/19.

- 3.4 Once the election has taken place the newly elected Mayor will duly take the Declaration of Acceptance of Oath. Following the declaration, the meeting will be adjourned to allow the newly elected Mayor to robe.
- 3.5 On the return of the Mayoral Party, the Mayor will make announcements including which charities the Mayor has chosen to work with during the Mayoral year.
- 3.6 The Mayor is accompanied to events by a Mayoress or a Consort. The Mayoress or Consort is recognised by the Council as such. A Mayoress or Consort will be announced.
- 3.7 After the Mayor's Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Mayoress or Consort with the badge of office.
- 3.8 A vote of thanks to the outgoing Mayor will be proposed. Other Members will be invited to speak on the vote of thanks. The Past Mayor will then be presented with the Past Mayor's badge and with gifts from officers.

4. Issue, Options and Analysis of Options

- 4.1 The law requires that the Mayor (being Chairman of the Council) shall be elected annually by the Council from amongst its Members and that the election of the Mayor shall be the first item of business transacted at the meeting of Annual Council.

5. Reasons for Recommendation

- 5.1 It is a statutory duty.

6. Consultation

- 6.1 Group Leaders would be consulted.

7. References to Corporate Plan

- 7.1 This underpins the corporate priority of *Transformation* as the role of Mayor includes upholding and promoting the Constitution and so improving governance arrangements.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Finance Director

Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There are no direct financial implications arising from the election of a Mayor. For the purpose of enabling the Mayor to meet the expense of their office, the Council may pay such allowance as the Council thinks reasonable. Item 14 of the Agenda deals with allowances.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 The Council is required annually to elect a Mayor (being Chairman of the Council) in accordance with Sections 3, and 4 of the Local Government Act 1972.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

10. Appendices to this report

None.

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Service Manager

Telephone: 01277 312741

E-mail: claire.mayhew@brentwood.gov.uk

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16 May 2018

Annual Council

Appointment of a Deputy Mayor for Municipal Year 2018/19

Report of: *Claire Mayhew, Corporate and Democratic Service Manager*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

1.1 The Council is required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2018/19.

1.2 The Deputy Mayor is appointed by the Council to continue in office for one Municipal Year and hold office until immediately after the election of the Mayor at the next Annual Meeting.

2. Recommendation(s)

2.1 To appoint a Deputy Mayor for the Municipal Year 2018/19 and until immediately after the election of the Mayor at the next Annual Meeting.

3. Introduction and Background

3.1 The Deputy Mayor will support the Mayor in their role during their term of office. Subject to any standing orders made by the Council, anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.

3.2 The Mayor will invite nominations for the appointment of Deputy Mayor for the Municipal Year 2018/19.

3.3 Once Annual Council has made the appointment of Deputy Mayor, the newly appointed Deputy Mayor duly takes the Declaration of Acceptance of Oath.

- 3.4 The Deputy Mayor is accompanied to events by a Deputy Mayoress or Consort. The Deputy Mayoress or Consort is recognised by the Council as such. A Deputy Mayoress or Consort will be announced.
- 3.5 After the Deputy Mayor's Deputy Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Consort with the badge of office.

4. Issue, Options and Analysis of Options

- 4.1 Section 5 of the Local Government Act 1972 requires the appointment of a Deputy Mayor (being Vice-Chairman of the Council).

5. Reasons for Recommendation

- 5.1 It is a statutory duty.

6. Consultation

- 6.1 Group Leaders would be consulted.

7. References to Corporate Plan

- 7.1 This report underpins the corporate priority of *Transformation* as the role of Deputy Mayor assists to uphold and promote the Constitution and so deliver improvements in governance arrangements.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312829 /jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There are no direct financial implications arising from the appointment of a Deputy Mayor. For the purpose of enabling the Deputy Mayor to meet the expenses of their office, the Council may pay such allowance as the Council thinks fit. Agenda Item 14 deals with allowances.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 The Council is required annually to appoint a Deputy Mayor (being the Vice-Chairman of the Council) in accordance with Section 5 of the Local Government Act 1972.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

None

10. Appendices to this report

None

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Service Manager
Telephone: 01277 312741
E-mail: claire.mayhew@brentwood.gov.uk

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16 May 2018

Annual Council

Political Groups on the Council

Report of: *Claire Mayhew, Corporate and Democratic Services Manager*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Constitution under Council Procedure Rule 2.1 (h) provides that the Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Annual Meeting of the Council.

2. Recommendation(s)

- 2.1 That Annual Council note the Notices of Political Groups served on the Chief Executive.**

3. Introduction and Background

- 3.1 A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two Members. It is therefore separate from the concept of a political party (though it may well consist of members of the same political persuasion).
- 3.2 If the membership of a political group drops below two, the particular political group ceases to exist (Regulation 8(2)). A Member may cease to be a member of a particular political group if they are no longer a councillor (Reg.10). Members may apply to join an existing political group (Reg.9).
- 3.3 The reason why political groups are almost invariably formed is that where political balance is required as regards the seat allocation on council bodies then regard is to be had to political groups (not political parties).

- 3.4 The calculation of the proportionate allocation of seats subject to the political balance rules is based upon political groups and this is clearly significant as regards the control of power on those council bodies.
- 3.5 Notices relating to political groups (including changes as to the name of the group, its membership, the name of the Group Leader and the name of a Deputy Group Leader) are required to be in the prescribed written form and delivered to the proper officer of the Council.
- 3.6 Changes in political groups can therefore affect the calculation of the political balance on particular Council bodies.

4. Issue, Options and Analysis of Options

- 4.1 The Council must comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

5. Reasons for Recommendation

- 5.1 To comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

6. Consultation

- 6.1 Officers will consult with Members post the Borough Elections on 3rd May 2018.

7. References to Corporate Plan

- 7.1 None.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer
Tel & Email: 01277 312829 /jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There are no direct financial implications.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer /Head of Legal Services
Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 The Local Government (Committees and Political Groups) Regulations 1990 as amended deal, amongst other things, with political groups.

- 8.3 Regulation 7 of The Local Government (Committees and Political Groups) Regulations 1990 states that ‘The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with regulation 8’.
- 8.4 Regulation 8 (1) provides that ‘A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which – (a) is signed by two or more members of the authority who wish to be treated as a political group; and (b) complies with the provisions of paragraph (3).’
- 8.5 Regulation 8(3) states that ‘A notice under paragraph (1) shall state (a) that the members of the authority who have signed it wish to be treated as a political group; (b) the name of the group; and (c) the name of one member of the group who has signed the notice and who is to act as its leader.’
- 8.6 Regulation 8(4) provides that ‘A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader in relation to these Regulations (“the representative”).’
- 8.7 Regulation 9 states that ‘Subject to regulations 11 and 12, a member of the authority is to be treated as a member of a political group if –
- (a) he has signed a notice in accordance with regulation 8; or
 - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or representative of the group or by a majority of the members of the group, stating that he wishes to join the group.’
- 8.8 The requirements relating to political balance are contained in sections 15-17 and Schedule 1 to the Local Government and Housing Act 1989.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.9 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 Notices received, and duly minuted, at past Annual Council meetings are available on the Council’s website.

10. Appendices to this report

None

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Services Manager
Telephone: 01277 312741
E-mail: claire.mayhew@brentwood.gov.uk

16 May 2018

Annual Council

Election of the Leader and Deputy Leader of the Council

Report of: Claire Mayhew, Corporate and Democratic Services Manager

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 The Constitution under Council Procedure Rule 2.1 (i) provides that the Annual Meeting of Council will consider the election from its Members a Leader and Deputy Leader of the Council.
- 1.2 The Mayor will invite nominations for the election of Leader and Deputy Leader for the Municipal Year 2018/19.

2. Recommendation(s)

- 2.1 That a Leader of the Council be elected**
- 2.2 That a Deputy Leader of the Council be elected**

3. Introduction and Background

- 3.1 Article 4 (2) (k) of the Constitution reserves to full Council the election from its Members of a Leader and Deputy Leader of the Council. The election of a Leader and Deputy Leader under Council Procedure Rule 2.1 (i) is considered at the Annual Meeting.

4. Issue, Options and Analysis of Options

- 4.1 Annual Council must comply with the Constitution.

5. Reasons for Recommendation

5.1 To comply with Article 4 of the Constitution.

6. Consultation

6.1 None.

7. References to Corporate Plan

7.1 None

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

8.1 There are no direct financial implications arising from this report, the respective allowances are reported under item 14 of this agenda.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

8.2 The election of a Leader and Deputy Leader in an authority operating a Committee System form of governance such as Brentwood, **does not** confer on those Members any functions for the purposes of the Local Government Act 2000.

8.3 Under the Committee System, no single councillor has any delegated power to discharge any function of the Council (other than as regards their own ward budget under section 236 of the Local Government and Public Involvement in Health Act 2007) nor can any such delegated power be granted to a single councillor.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.4 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None

10. Appendices to this report

None.

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Services Manager
Telephone: 01277 312741
E-mail: claire.mayhew@brentwood.gov.uk

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The following Committees are established under all Council powers:-

- (1) Audit and Scrutiny Committee – 9 Members of the Council
- (2) Regulatory and Governance Committee – 9 Members of the Council
- (3) Community, Health and Housing Committee – 9 Members of the Council
- (4) Dismissal Appeals Committee – 9 Members of the Council
- (5) Environment and Enforcement Committee – 9 Members of the Council
- (6) Planning and Licensing Committee – 12 Members of the Council
- (7) Policy, Projects and Resources Committee – 9 Members of the Council
- (8) Staff Appointments Committee – 9 Members of the Council
- (9) Dismissals Advisory Panel – 3 Independent Persons

The Terms of Reference of the above are set out as follows:-

CHAPTER 3 - POWERS AND DELEGATIONS

PART 3.1 - POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

1. Matters Reserved to meetings of Council

1.1 Council

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

1.2 Functions of the Council

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;

- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving of the Council's Corporate Plan;
- (m) approving or adopting the Council policies and strategies which form the policy framework;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (p) to consider reports on cross cutting matters not expressly delegated to another committee;
- (q) all other matters which by law must be reserved to Council;

2. General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its committees and sub-committees and includes the terms of reference of statutory and non-statutory bodies set up by the Council.

Each committee or sub-committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.

- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

2.1 Policy, Projects and Resources Committee

1. The function within the remit of the Policy, Projects and Resources Committee include all financial matters relating to the budget, (and for avoidance of doubt, being the superior Committee on all such matters including capital, revenue and the Housing Revenue Account (HRA) except where the law otherwise requires), and without prejudice to the generality of this, include the specific functions which are set out below.

Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
 - 2) Contracts, commissioning, procurement
 - 3) Legal services
 - 4) Health and safety at work (in so far as it relates to the Council as an employer)
 - 5) Corporate communications and media protocols
 - 6) Corporate and Democratic services
 - 7) Member Development
 - 8) Human resources
 - 9) Information Communication Technology
 - 10) Revenues and Benefits
 - 11) Customer Services
 - 12) Assets (strategically)
2. Overall responsibility for monitoring Council performance.
 3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.

4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
7. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
8. To determine capital grant applications.
9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
10. To manage and monitor the Council approved budgets.
11. To provide the lead on partnership working including the joint delivery of services.
12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.
- (c) Promoting the use of Council owned assets by the local community and other interested parties.
- (d) To manage any lands or property of the Council;

- (e) To include properties within the council's Asset Management Portfolio including Halls etc.
- (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
- (g) To review the corporate Asset Management Plan annually.
- (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
- (i) Disposal of land surplus to the requirements of a committee.
- (j) Appropriation of land surplus to the requirements of a committee.
- (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
- (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
- (m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
- (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
- (o) To consider and approve business cases and commercial business plans for commercial activity.

14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.
- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.

- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships.
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the Borough.
- (i) To promote and encourage tourism and heritage.
- (j) Parking (off street parking provision in Council owned/leased off-street parking places).
- (k) Crossrail

15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.

16. To review and facilitate the transformation of delivery of services.

Transformation

- (a) To approve and facilitate the transformation of delivery of services.

Projects

- (a) To identify, monitor and oversee the implementation of major Corporate projects.
- (b) To advise the Audit & Scrutiny Committee of the major Corporate projects.

2.2 Environment and Enforcement Committee

1. The functions within the remit of the Environment and Enforcement Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) are set out below:
 - 1) Waste management, refuse collection and recycling
 - 2) Environmental improvement schemes
 - 3) The quality of the public realm, including street services and grounds maintenance
 - 4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
 - 5) Public conveniences
 - 6) Cemeteries and closed churchyards
 - 7) Unlawful incursions
 - 8) Operational facilities management (including maintenance) of the Town Hall and the Depot
 - 9) Environmental nuisance and pollution controls
 - 10) Other miscellaneous powers enforced by Environmental Health
 - 11) Food safety and health and safety
 - 12) Oversee and monitor the enforcement activities of the Council.

2.3 Community, Health and Housing Committee

1. The functions within the remit of the Community, Health and Housing Committee are set out below
 - 1) Community and Localism Initiatives including Assets of Community Value
 - 2) The Voluntary Sector and community partnerships
 - 3) Leisure and cultural initiatives.
 - 4) Parish Council liaison
 - 5) Health and Wellbeing

- 6) Grants to organisations/voluntary organisations.
- 7) Parks, open spaces, countryside, allotments
- 8) Community Safety and CCTV
- 9) Affordable housing
- 10) Housing strategy and investment programme where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
- 11) The Housing Revenue Account Business Plan where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
- 12) Housing standards, homelessness, homelessness prevention and advice
- 13) Housing needs assessment
- 14) Housing benefit - welfare aspects
- 15) Private sector housing and administration of housing grants
- 16) Tenancy Management and landlord functions
- 17) To make recommendations to Policy, Projects and Resources on the setting of rents for Council homes.

2. To take the lead on community leadership and consultation with stakeholders.

2.4 Audit and Scrutiny Committee

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans. Without prejudice to the generality of the above, the terms of reference include those matters set out below;

Audit Activity

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.

- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.
- (g) To be responsible for the Council's strategic and budgetary framework and its implementation.

Accounts

- 1) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review and agree the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Scrutiny Activity

The Audit and Scrutiny Committee acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012 and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters). Without prejudice to the generality of the above, the terms of reference include those matters set out below:

- 1) Responsible to scrutinise major Corporate projects as identified and agreed by the Policy, Projects and Resources Committee.
- 2) To report to the Policy, Projects and Resources Committee or the appropriate committee on the progress of the major Corporate projects and to make relevant recommendations as required.
- 3) To establish working groups (in line with agreed protocols) to undertake the major Corporate projects work programme, including setting their terms of reference, the

reporting arrangements, and to co-ordinate and review the work of the working groups.

- 4) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or sub-committee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 5) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 6) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 7) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- 8) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

2.5 Regulatory and Governance Committee

- 1) To maintain an overview of the Council's Constitution including contract procedure rules, financial regulations and codes of conduct and behaviour.
- 2) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 3) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 4) To monitor Council policies and strategies on
 - Whistleblowing
 - Money Laundering
 - Anti-Fraud and Corruption
 - Insurance and Risk Management
 - Emergency Planning
 - Business Continuity
 - Corporate Complaints
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.

- 7) To monitor and maintain an overview of the Councils requirements and duties under the General Data protection Regulations.
- 8) To monitor the Council's processes in relation to
 - Freedom of Information Requests
 - Members Enquiries
- 9) Data quality

2.6 Planning and Licensing Committee

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
 - (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
 - (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
 - (a) To guide the Council in setting its policy objectives and priorities.
 - (b) To carry out the duties and powers of the Council under current legislation;
 - (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (e) To consider and approve relevant service plans;

- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
 - i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire
drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.

2.7 Licensing Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and

- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license.

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.

2.8 Staff Appointments Committee (to meet on demand) has the following functions:

- (a) To appoint the following designated officers:

Chief Executive
Section 151 Finance Officer
Monitoring Officer

and such other posts as may be determined from time to time by Group Leaders in consultation with the Chief Executive.

- (b) To comply with the requirements set out in Chapter 4 of the Constitution (Staff Employment Procedure Rules).
- (c) To agree, review and amend to salary and grading structures for chief officer posts in line with the agreed remuneration policy.

2.9 Dismissal Appeals Committee (to meet on demand) has the following functions:

- (a) To consider and determine any appeal by the Chief Executive, Section 151 Officer or Monitoring Officer against dismissal.
- (b) To consider and determine any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Section 151 Finance Officer, Monitoring Officer or a Deputy Monitoring Officer.

2.10 Dismissal Advisory Panel (to meet on demand) has the following functions:

- (a) To advise full Council on matters relating to the dismissal of the Chief Executive, the Chief Finance Officer and the Monitoring Officer

NB. This Panel comprises three independent persons who are not Members of the Council.

Extract from Part 4.1 – Council Procedure Rules

18. Size

Committee	Membership	Quorum
Policy, Projects and Resources	9	3
Environment and Enforcement	9	3
Community, Health and Housing	9	3
Planning and Licensing	12	4
Audit and Scrutiny	9	3
Regulatory and Governance	9	3
Staff Appointments*	9	3
Dismissal Appeals *	9	3

* These committees meet on demand.

20. Appointments and Substitutes

- 20.1 Following Annual Council, the Chief Executives on the nomination of Group Leaders, or in their absence, Deputy Group Leaders, appoints and removes members of committees and sub-committees.
- 20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for that Member can be any Member of the Council.
- 20.3 The names of substitutes shall be announced at the start of the meeting by the Chair. The substitution shall be for the whole meeting and cease at the end of the meeting.
- 20.4 Substitutes for regulatory committees must be drawn from Members who have received training in regulatory decision making. If a casual vacancy occurs on a regulatory committee it will not be filled until the nominated member has been trained.
- 20.5 All Members are entitled to attend the training provided for members of regulatory committees.

16 May 2018

Annual Council

**Political Balance, Allocation of Committee Seats and
Committee Appointments**

Report of: *Claire Mayhew, Corporate and Democratic Services Manager*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

1.1 The Council is required to:

- a) approve the allocation of seats on Committees
- b) receive the nominations from political groups to Committees
- c) by convention, appoint Chairs and Vice-Chairs of Committees

2. Recommendation(s)

2.1 That the allocation of seats as set out in Appendix A (to follow) be approved;

2.2 That the nominations from the political groups to Committees as set out in Appendix B (to follow) be approved;

2.3 That the Chairs and Vice-Chairs of Committees as set out in Appendix C (to follow) be appointed.

3. Introduction and Background

3.1 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 as amended when two or more Councillors duly notify the Chief Executive as Proper Officer of their wish to be treated as a political group.

3.2 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the allocation of seats on Committees of the Council between the political groups.

- 3.3 The following statutory principles apply to the allocation of seats:
- a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - b) That the majority of seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - c) That subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 3.4 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 3.5 Any non-aligned members are to be appointed to available seats on committees by the Council.

Political proportionality

- 3.6 The political balance of the Council is calculated using the formula below (to two decimal places):

$$\frac{\text{Number of Group Members} \times 100}{37}$$

- 3.7 The political balance of the Council is set out in Appendix A (to follow).
- 3.8 To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.
- 3.9 Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.
- 3.10 The Local Government Association Independent Group state that non-aligned Councillors are entitled to fair representation. Political groups are not entitled to

exceed their share and non-aligned Councillors (or single party Councillors) cannot be excluded. For example, in an authority of 37 Councillors with one non-aligned Councillor, the Council must make 1/37 of the places available as required in accordance with the Council's statutory duty under section 16(2A) of the Local Government and Housing Act 1989.

4. Issue, Options and Analysis of Options

- 4.1 The number of seats on Committees that will be allocated amongst the political groups represented on the Council is shown in Appendix A (to follow).
- 4.2 Each of the political groups are entitled to the specified number of seats in Appendix A. This is based on their percentage representation on the Council as a whole.
- 4.3 The calculation to determine the entitlement of political groups to seats on Committees is as follows:

$$\frac{\text{\% from table 1 (Appendix A)}}{100} \times \text{X Number of Committee seats available}$$

- 4.4 The strict entitlement to seats is shown in Appendix A.
- 4.5 Each of the political groups are only entitled to their proportion of seats and once this entitlement has been reached, any remaining seats may then be filled by those Councillors not belonging to a political group. Councillors who are not members of a political group have no legal entitlement to an allocation of seats on a committee. However, in the spirit of the Act they should be given their fair representation.
- 4.6 Appendix A shows a rounded allocation of seats to each political group. This is then manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.
- 4.7 Officers have sought nominations from Group Leaders to the places on committees to which their respective groups are entitled. Agreement from Group Leaders on the allocation of any additional seats will be sought.
- 4.8 The nominations of political groups to seats on committees and nominations for Chair and Vice Chair positions are set out in Appendices B and C (to follow).

5. Reasons for Recommendation

- 5.1 The Council is required to make appointments to those Committees that have been established by Agenda Item 10 for the effective discharge of its functions.

6. Consultation

- 6.1 Group Leaders will be consulted.

7. References to Corporate Plan

- 7.1 The delivery of the Corporate Plan will be enabled by the appointment of the Committees of the Council to discharge its functions.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312829/ jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 The cost of servicing committees will be met through existing budgets.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 As set out in the report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

10. Appendices to this report

Appendix A (to follow) - Allocation of seats

Appendix B (to follow) - Nominations from the political groups to Committees

Appendix C (to follow) - Nominations for Chairs and Vice-Chairs of Committees

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Services Manager
Telephone: 01277 312741
E-mail: claire.mayhew@brentwood.gov.uk

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16 May 2018

Annual Council

Committee Calendar for 2018/2019

Report of: Claire Mayhew, Corporate and Democratic Services Manager

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 The Constitution under Council Procedure Rule 2.1 (r) provides that the Annual Meeting of Council will consider an item of business to agree the date, time and place of ordinary meetings of Council (and its Committees) for the coming Municipal Year.
- 1.2 A Calendar of Meetings, subject to Agenda Item 10 has been prepared.

2. Recommendation(s)

- 2.1 That the Calendar of Meetings attached as Appendix A for 2018/19 be approved, subject to confirmation on proposed dates from Brentwood County High School.**

3. Introduction and Background

- 3.1 Members agree the date, time and place of ordinary meetings of the Council and its committees for the 2018/19 Municipal Year at the Annual Meeting of Council.

4. Issue, Options and Analysis of Options

- 4.1 As required by Schedule 12 of the Local Government Act 1972, a notice is published on the notice board at the Town Hall informing the public of the meetings of the Council and its Committees.
- 4.2 If changes are made to the public notice by the Proper Officer, the notice will be updated and information fully publicised on the Council's website.
- 4.3 Appendix A provides a schedule of meetings to deliver the Committee arrangements consequential to Agenda Item 10.

5. Reasons for Recommendation

5.1 The Calendar of Meetings enables effective and efficient decision making throughout the Municipal Year.

6. Consultation

6.1 None.

7. References to Corporate Plan

7.1 The governance arrangements at the Council should be such as to enable the delivery of the Corporate Plan 2016-19.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer
Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

8.1 The cost of the governance arrangements at the Council can be met from existing budgets within the Medium Term Financial Plan 2018/2019. However, any increase in the number of meetings will have an impact on the officer support structure.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services
Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

8.2 There are no specific legal implications arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

10. Appendices to this report

Appendix A – Calendar of Meetings 2018/19

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Services Manager
Telephone: 01277 312741
E-mail: claire.mayhew@brentwood.gov.uk

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Notice of Meetings 2018/2019

LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

NOTICE IS HEREBY GIVEN that the following meetings, open to the Public and Press, will be held at the Brentwood County High School, Brentwood, Essex.

	Day	Time	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	January 2019	February 2019	March 2019	April 2019	May 2019
Annual Council	Wednesday	19:00	16th												15th
Ordinary Council	Wednesday	19:00		27th			12th		14th	5th		27th (Budget)			
Audit and Scrutiny Committee	Wednesday	19:00		13th	25th			17th			23rd		13th		
Community, Health and Housing Committee	Tuesday	19:00			3rd		11th			4th			5th		
Regulatory and Governance Committee	Wednesday	19:00			11th			10th	28th				6th		
Environment and Enforcement Committee	Wednesday	19:00			4th		26th			12th			20th		
Planning and Licensing Committee	Tuesday	19:00		12th	17th		4th	16th	13th	11th	15th	19th	12th		
Policy, Projects and Resources Committee	Tuesday	19:00		19th			18th		20th			5th (Budget)	19th		

P. Ruck
HEAD OF PAID SERVICES



	2018								2019				
	May	June	July	August	September	October	November	December	January	February	March	April	May
1		School holidays		School holidays	School holidays				Bank Holiday				
2				School holidays	School holidays	Conservative Party Conference			School holidays				
3	Elections			School holidays	School holidays	Conservative Party Conference							
4				School holidays									
5				School holidays									
6				School holidays									Bank Holiday
7	Bank Holiday			School holidays									
8				School holidays								School holidays	
9				School holidays								School holidays	
10				School holidays								School holidays	
11				School holidays								School holidays	
12				School holidays								School holidays	
13				School holidays								School holidays	
14				School holidays								School holidays	
15				School holidays	Liberal Democrats Party Conference							School holidays	
16				School holidays	Liberal Democrats Party Conference							School holidays	
17				School holidays	Liberal Democrats Party Conference							School holidays	
18				School holidays	Liberal Democrats Party Conference					School holidays		School holidays	
19				School holidays						School holidays		Bank Holiday	
20				School holidays				School holidays		School holidays			
21				School holidays				School holidays		School holidays			
22				School holidays		School holidays		School holidays		School holidays		Bank Holiday	
23			School holidays	School holidays	Labour Party Conference	School holidays		School holidays					
24			School holidays	School holidays	Labour Party Conference	School holidays		School holidays					
25			School holidays	School holidays	Labour Party Conference	School holidays		Bank Holiday					
26			School holidays	School holidays	Labour Party Conference	School holidays		Bank Holiday					
27			School holidays	School holidays				School holidays					Bank Holiday
28	Bank Holiday		School holidays	Bank Holiday				School holidays					School holidays
29	School holidays		School holidays	School holidays				School holidays					School holidays
30	School holidays		School holidays	School holidays	Conservative Party Conference			School holidays					School holidays
31	School Holidays		School holidays	School holidays				School holidays					School holidays

(Proper Officer for the purposes of Part VA of the Act)

Holiday Calendar 2018/2019

16 May 2018

Annual Council

**Appointment of Independent Persons for Purpose of the
Localism Act 2011**

Report of: *Claire Mayhew, Corporate and Democratic Services Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Localism Act 2011 requires all principal authorities to have arrangements in place to consider allegations of breaches of the Councillors Code of Conduct for that authority and the Code of Conduct for its associated parish councils and to make decisions on those allegations. In doing so, an authority must take account of the views of an Independent Person appointed by the authority under the Localism Act. This report relates to a proposal that Brentwood Borough Council confirms the appointment of three Independent Persons to comply with the statutory requirements of the Localism Act 2011.

2. Recommendation(s)

- 2.1 This report proposes the confirmation of appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2020 and**
- 2.2 That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.**

2 Introduction and Background

- 2.2 The Localism Act 2011 (the “Act”) changed the arrangements for dealing with governance issues regarding the conduct of elected and co-opted Members. It abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that elected and co-opted members of the authority and its associated parish councils may have breached their Code of Conduct.

- 2.3 The Localism Act provisions took effect from 1 July 2012. The Council agreed a new Code of Conduct and Complaints Procedure which has been incorporated into the Constitution.
- 2.4 The new Localism Act regime removed the requirement to have an independent chair and a statutory standards committee. Instead to add external input, section 28(7) of the Localism Act requires the Council to appoint at least one "*independent person*" who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and any Member subject to allegations complained about can also seek the independent person's view.
- 2.5 To ensure independence, *independent persons* are not to have links to the Council, councillors or officers or have been members including co-opted membership. Unfortunately, this means that the previous independent Members of the statutory Standards Committee were disqualified from applying for the role as they were co-opted members of the Council.

3 Issue, Options and Analysis of Options

Statutory Compliance

- 3.2 The Localism Act 2011 requires that a formal appointment be made therefore there is not alternative of no action.

Need to Avoid Conflicts of Interest

- 3.3 The conflict of interest arises because the legislation requires the independent person to take on three specific tasks:
- *firstly* to give a view that must be taken into account before an authority makes a decision on an allegation that it has decided to investigate;
 - *secondly* to be available to give a view to a member whose behaviour is subject to an allegation; and
 - *finally* giving a view about allegations which have not yet reached the stage of determination.
- 3.4 While it may be possible for the Independent person to assist with giving a view on allegations against a Member, it would create a conflict if they were then consulted by that Member. For example if they had formed a view that the Member was probably guilty of the accusation because they had been

consulted by the authority prior to being contacted by the Member then it will be difficult for them to give a view to the Member without disclosing at least in part what they might have been told by the authority. For the same reason if they were consulted by the Member and then were asked for a view by the authority they face the dilemma for how do they put aside what they have learnt from the Member. This conflict means that the process cannot function satisfactorily unless there are at least two Independent persons readily available because one cannot give a view to Members and the authority at the same time.

- 3.5 Furthermore even with two independent persons there is a risk of an absence of one effectively preventing the whole process from functioning and as the legislation creates an entitlement for the Member to have an Independent Person to consult and an obligation for the authority to consult before it makes a decision. If a member does not have an independent person to consult it will mean that unless they waive their right the process will come to a halt pending availability.

Need for Three Appointments

- 3.6 For the above reasons it is recommended establishing a compliment to be maintained of three independent persons. The allocation of roles in terms of the practices of the Independent Persons would be in accordance with best practice utilising a rota arrangement ensuring that all got experience in the various stages of the complaints process.
- 3.7 Going forward the availability of independent persons is being addressed by inter authority working and the option of cross borough training and sharing of an independent persons is being considered.

4 Appointment of Independent Persons

- 4.1 To meet the risks outlined in the previous section of this report a recruitment exercise was carried out by the Monitoring Officer. Confirmation of selection was made to Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh
- 4.2 To ensure sound governance the Monitoring Officer has met with the three individuals and proposes in due course to place them under an Agreement as set out in the Appendix A to this report which is utilised as best practice by other boroughs. Subject to the recommendation being agreed the appointments will commence forthwith subject to satisfactory references and an induction process being arranged, which will allow the independent persons to function according to the Localism Act.

- 4.3 The role of Independent Person in adjacent Boroughs attracts an annual nominal allowance of £500. It would be suggested that Brentwood Borough Council reflects this nominal payment which can be met from existing budgets. The Independent Person may also claim reasonable expenses for attendance, travel and subsistence. The Independent Persons are not Co-Opted Members and therefore the inclusion of such an allowance provision will not engage any need to have it approved/reviewed by a Members Remuneration Panel.
- 4.4 It is the recommendation of the Monitoring Officer that the Council agrees to:
- 4.5 Confirmation of appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2020.
- 4.6 That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.

5 Reasons for Recommendation

- 5.2 The key reasons are set out in the body of the report in summary. It is a statutory requirement on Brentwood Borough Council as a principal Council to appoint Independent persons for the purpose of the Localism Act.

6 Consultation

- 6.2 It is a statutory requirement that Council is consulted and approves the appointments.

7 Implications

Financial Implications

Name & Title: Jacqueline Van Mallaerts, Interim Chief Finance Officer

Tel & Email: 01277 312829/ jacqueline.vanmallaerts@brentwood.gov.uk

- 7.1 The Proposed allowance is met by Existing budgets within Democratic Services and is included in the Medium Term Financial Plan 2018/19.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services/Monitoring Officer
Tel & Email: 01277 312680/daniel.toohey@brentwood.gov.uk

- 7.2 The statutory requirements on the Council are set out in the body of the report and the recommendations sets out the necessary steps to ensure compliance.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.3 None

8 Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 8.2 Localism Act 2011 and Secretary of State for Local Government and Communities Guidance.

9 Appendices to this report

Appendix A: Independent Person Agreement

Report Author Contact Details:

Name: Claire Mayhew, Corporate and Democratic Services Manager
Telephone: 01277 3312741
E-mail: claire.mayhew@brentwood.gov.uk

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Dated: 30th April 2018

INDEPENDENT PERSON AGREEMENT

BETWEEN

- (1) of
(the **Independent Person**): and
- (2) **BRENTWOOD BOROUGH COUNCIL** of The Town Hall, Ingrave Road,
Brentwood, Essex CM15 8AY (the **Council**);

Introduction

The purpose of this document is to set out the terms upon which an Independent Person and the Council has agreed that he/she will be appointed as an Independent Person pursuant to the Localism Act 2011.

The terms are agreed as follows:

1. Definitions

1.1 In this document

“**Act**” means the Localism Act 2011.

“**Give a View**” means an informed observation of the issues and the facts which relate to a complaint and to establish a sense of perspective. It does not require specific professional advice or interpretation of legislation or the local code.

“**Independent Person**” means a person appointed for the purposes of section 28 under the Act.

“**Member**” means the elected councilor or co-opted member subject to the complaint.

“**Monitoring Officer**” means the Council officer with statutory responsibilities under section 5 of the Local Government and Housing Act 1989 and as set out below in this Code.

2. Defined Role

You will carry out the role of an independent person in accordance with Section 28(7) of the Localism Act 2011 for the Council by:

- 2.1 being available within a reasonable time period for consultation to give a view as to the merits of a complaint against an elected Member of the Council to the Monitoring Officer or their representative.
- 2.2 putting the view in writing if requested within a reasonable time:
- 2.3 being available for contact by a Member of the Council to give a view on a complaint if requested:
- 2.4 attending meetings with the Monitoring Officer and their team from time to time:
- 2.5 attending meetings of Council Committees(s) to give a view if requested

3. Period

- 3.1 The period of the independent persons shall commence with immediate effect until the Assembly meeting following the next municipal elections in 2018.

4. Termination

- 4.1 This Agreement can be terminated by either party at a period of 28 days by written notice or shorter if both parties agree.

5. Data Protection

- 5.1 You agree to keep any information acquired while carrying out the role of independent person strictly confidential and agree not to disclose, communicate or otherwise make public the same to anyone (save to professional advisors bound by a duty of confidence, the relevant tax authorities, the DSS, immediate family members and otherwise as may be required to be disclosed by law).

6. Council Property

6.1 On conclusion of the period of action as an independent person you undertake to return to the Monitoring Officer all property acquired during the service as independent person, including any passes or equipment, records, correspondence, documents, files and other information (whether originals, copies or extracts and whether on paper or on tape, computer disc or other magnetic media) generated during the role or belonging to the Council and that you will not retain any copies.

7 Fees and Expenses

7.1 You will be paid £500.00 per annum calculated on a pro-rotta 12 monthly basis.

8 Agreement

8.1 For the avoidance of doubt this agreement does not create a contract of service.

8.2 We confirm that this document accurately sets out the agreement between us.

.....

For and on behalf of the Brentwood Borough Council

Dated

Signed.....

Independent Person

Dated.....

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16th May 2018

Annual Council

Members Allowances 2018/19

Report of: *Jacqueline Van Mellaerts – Interim Chief Finance Officer*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council operates a Members' Allowances Scheme which is reviewed annually by the Independent Remuneration Panel (IRP). The IRP have reviewed the current scheme and have made recommendations for the 2018/19 Municipal Year.
- 1.2 The Members' Allowance Scheme is Part 6 of the Council's Constitution and the IRP's report is attached as Appendix A. The IRP report has recommended an increase to the Mayor and Deputy Mayor allowance, however there are no changes to other members allowances for 2018/19.

2. Recommendation(s)

- 2.1 That the report of the Independent Remuneration Panel at Appendix A be noted.**
- 2.2 That the Members Allowances at Appendix B be agreed.**

3. Introduction and Background

- 3.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
- 3.2 Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special

Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.

- 3.3 No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Chief Executive.

4. Issue, Options and Analysis of Options

- 4.1 The analysis of options by the IRP is set out in detail in Sections 8 to 11 of their report as attached at Appendix A.

5. Reasons for Recommendation

- 5.1 The Local Authorities (members Allowances) (England) Regulations 2003 require that before Council can determine its Members Allowances for the forthcoming Municipal Year, it must consider a report from the Independent Remuneration Panel.

6. Consultation

- 6.1 The Independent Remuneration Panel held a meeting at the end of March 2018 with Officers and the Leader of the Council. The meeting was minuted, and considered a series of contextual information which is set out within their report.

7. References to Corporate Plan

- 7.1 None

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellearts, Interim Chief Finance Officer

Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 A provision for Members Allowance as outlined in recommendation 2.2 of this report is included within the 2018/19 budget.
- 8.2 A £500 budget has been recommended as a contingency for the Mayor and Deputy Mayor duties. This is reasonable and can be funded from the Council Reserves without putting financial strain on the Council's MTFP.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.3 [The statutory requirements on the Council are set out in the body of the report and the recommendations sets out the necessary steps to ensure compliance.]

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Annual reports of the Independent Remuneration Panel to Brentwood Borough Council are publicly available at www.brentwood.gov.uk

10. Appendices to this report

Appendix A – Report of the Independent Remuneration Panel 2018/19.

Appendix B – Schedule of proposed Members Allowances for 2018/19.

Report Author Contact Details:

Name: Jacqueline Van Mellaerts – Interim Chief Finance Officer

Telephone: 01277 312829

E-mail: Jacqueline.vanmellaerts@brentwood.gov.uk

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Members Allowances 2018/19

Report of the Independent Remuneration Panel

May 2018

Introduction

1. This report presents the findings of the Independent Remuneration Panel (IRP) and our recommendations for the scheme for 2018/19.

Background

2. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
3. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
4. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Chief Executive.

The Independent Remuneration Panel

5. The Independent Remuneration Panel 2018/19 comprised of
 - Mr Michael Hawkins
 - Mr Steve Marsh
 - Mr John Boylin

Existing Scheme

6. At the meeting of Annual Council on the 17th May 2017 it was resolved that revised Members Allowances be approved, being no more than £269,662.94.

Political Structure

7. The Council consists of 37 members.
8. The current committee structure of the council consists of the following:
 - Full Council
 - Audit Committee
 - Community, Health & Housing Committee
 - Corporate Projects Scrutiny Committee

- Environment & Enforcement Committee
- Planning & Licensing Committee
- Policy, Projects & Resources Committee

9. The proposed Committee Structure of the Council is as follows:-

- Full Council
- Audit and Scrutiny Committee
- Community, Health & Housing Committee
- Regulatory and Governance Committee
- Environment & Enforcement Committee
- Planning & Licensing Committee
- Policy, Projects & Resources Committee

Our Approach and considerations

10. The deliberations of the IRP were informed by:

- The Council's changes in Committee structure 2014, 2015, 2016, 2017 and those proposed for 2018.
- Decision on BBC Member Allowances for 2012/13 – 2017/18
- Desktop research and contextual information regarding the Council's Medium Term Financial Plan.
- Previous reports and recommendations from the IRP and Annual Council.

11. The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in the previous four years:

- the need for Councillors to come from a wide range of backgrounds
- the necessity to ensure some recompense for the time and effort spent in serving the community whilst recognising that the work of Councillors should include a substantial voluntary contribution
- recognition of the time and resource demands of training and development, as well as other activities: and
- whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a hindrance.

12. Additional factors considered by the IRP in preparing its report to Annual Council 2018 included:

- Budget pressures on the Council

13. The options considered by the IRP included:

Option	Analysis
That members allowances for 2018/19 remain unchanged. However, the Mayor and the Deputy Mayor increased.	<ul style="list-style-type: none"> • Members Allowances had increased by 1% in 2014/15, the first increase since 2011/12. There had been an overall reduction in 2015/16 of £4,618.71. • New Committee arrangements had been adopted in 2013, 2014, 2015, 2016 and 2017. • There was proposed to be the same number of committees in 2018/19.
That members allowances for 2018/19 be reduced	<ul style="list-style-type: none"> • There had been an overall reduction in 2015/16 of £4,618.71. • There was one less committee in 2016/17.
That members allowances for 2018/19 be increased	<ul style="list-style-type: none"> • There was one less committee in 2016/17. • Staff received a one off 1% pay award in 2017/18 due to the break-even financial outturn achieved for 2016/17.

Other Matters

14. The IRP also considered the timing and process for their annual review and agreed that it would be more productive and useful if they undertook their review alongside the council's budget setting process. This would enable Members to scrutinize and consider the IRP's recommendations as part of their budget deliberations and decisions.

15. The IRP also discussed what Childcare/Maternity Policies were available to Members and was this for the IRP to review.

Recommendations

16. After careful consideration of all the information provided the Independent Remuneration Panel recommend the following:

- (i) That members allowances for 2018/19 remain unchanged.

<u>Members Allowances 2018-19</u>	Recommendation 2018-19
Basic Allowance	5,950.80
Leader	13,086.25
Deputy Leader	6,317.50
Leader of Main Opposition	5,318.75
Leader of Minority Opposition	2,658.92
Committee Chair(s) – Audit/ Regulatory and Governance will be halved	3,545.83
Committee Vice(s) - Audit/ Regulatory and Governance will be halved	967.15

- (ii) It was recognised that Mayoral and Deputy Mayoral duties incur significantly more personal expenses than the present allowances cover. On the principle that no Councillor should be precluded from allowing their names to be considered for election to these posts on cost grounds, the following modest increases are recommended.

<u>Members Allowances 2018-19</u>	Recommendation 2018-19
Mayor	3,500
Deputy Mayor	1,000

- (iii) That a £500 contingency budget is provided for the Mayor/Deputy, should the increase in allowance does not cover their Mayoral activities for 2018/19.

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Members Allowances 2018-19	Number	Recommendation 2018-19	Only One SRA Permitted	Total Recommendation 2018-19
Basic Allowance	37	5,950.80		220,179.60
Leader	1	13,086.25		13,086.25
Deputy Leader	1	6,317.50		6,317.50
Leader of Main Opposition	1	5,318.75		5,318.75
Leader of Minority Opposition	1	2,658.92		2,658.92
Chair of Audit and Scrutiny Committee	1	1,772.92		1,772.92
Chair of Regulatory and Governance Committee	1	1,772.92		1,772.92
Chair of Community, Health and Housing Committee	1	3,545.83		3,545.83
Chair of Environment and Enforcement Committee	1	3,545.83		3,545.83
Chair of Planning and Licensing Committee	1	3,545.83		3,545.83
Chair of Policy, Projects and Resources Committee	1	3,545.83	Leader of the Council	0.00
Vice Chair of Audit and Scrutiny Committee	1	483.57		483.57
Vice Chair of Regulatory and Governance Committee	1	483.57		483.57
Vice Chair of Community, Health and Housing Committee	1	967.15		967.15
Vice Chair of Environment and Enforcement Committee	1	967.15		967.15
Vice Chair of Planning and Licensing Committee	1	967.15		967.15
Vice Chair of Policy, Projects and Resources Committee	1	967.15	Deputy Leader of the Council	0.00
Sub-total				265,612.94
Mayor	1	3,500.00		3,500.00
Deputy Mayor	1	1,000.00		1,000.00
Grand Total				270,112.94

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